

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NICHOLAS DeFOSSETT,
Plaintiff

v.

**CPRK-II, L.P. d/b/a BROOK
HOLLOW SHOPPING CENTER,**
Defendant

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CIVIL ACTION NO. 5:21-cv-226-RBF

ORDER

The Court has considered the Agreed Motion to Accept Consent Decree and exhibits thereto in the above-styled and numbered cause. Based upon the representations of the parties as expressed in the Consent Decree and the Agreed Motion, the Court makes the following findings of fact and conclusions of law:

1. Certain renovations to the Property, located at the 15000 block of San Pedro Avenue, San Antonio, Texas, Bexar County Property Appraisal District Parcel IDs: 544772 and 544776, that would be necessary and required to meet the minimum requirements of the Americans with Disabilities Act, 2010 ADAAG Standards, are not readily achievable as such term is defined in 42 U.S.C. § 12181(9) and as interpreted and applied in common law.
2. The renovations that are not readily achievable are the following:
 - a. Access aisles adjacent to the existing designated parking spaces;
 - b. Slopes and cross-slopes of the existing designated parking spaces;
 - c. Accessible ramps from access aisles to sidewalks;
 - d. Bar height;
 - e. Accessible route to small raised seating area;
 - f. Compliance with Sections 206.2.4, 405.2, 502.3.3, 502.4, and 902.3 of the 2010 ADAAG Standards.
3. The Consent Decree filed with the Motion to adopted by reference herein.
4. The renovations made to the parking and walkway areas, pursuant to the 2011 Settlement Agreement, are deemed to comply with the Americans with Disabilities Act.

It is so ORDERED.

SIGNED this 2 day of August, 2021.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE